## Remarks

This Application has been carefully reviewed in light of the Office Action mailed September 4, 2003. Applicants have made clarifying amendments to Claims 1-3, 7, 9-10, 13, 15-17, 22, 25, and 29-30. At least the amendments regarding the user-supplied content request and user-requested content are not narrowing. None of the amendments are considered necessary for patentability. Applicants have added new Claims 31-43 directed to software and reciting limitations substantially similar to those in Claims 16-28. Applicants respectfully request reconsideration and allowance of all pending claims.

## The Claims Comply with 35 U.S.C. § 112

The Examiner rejects Claims 7, 9, and 10 under 35 U.S.C. § 112, second paragraph, remarking that there is insufficient antecedent basis for certain terms. Applicants have amended Claims 7, 9, and 10. Applicants respectfully request withdrawal of this rejection.

## The Claims are Allowable over *Cragun* under 35 U.S.C. § 102(b)

The Examiner rejects Claims 1, 4-5, 8-13, 15, 18-19, 22-27, and 29-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,774,868 to Cragun et al. ("*Cragun*"). Applicants respectfully request disagree.

Independent Claim 1 of the present application recites:

A system for rendering content according to availability data for at least one item, comprising:

a server operable to receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content;

a rendering engine coupled to the server and operable to identify at least one rule within the user-requested content and concerning the item; and

a rules engine coupled to the rendering engine and operable to:

generate at least one availability request corresponding to the rule and concerning the item;

receive availability data for the item;

retrieve additional content according to the availability data for the item, the additional content being selected from among one or more stored content elements that concern the item; and

communicate the additional content concerning the item to the rendering engine for incorporation in the user-requested content;

the rendering engine further operable to render the user-requested content, including the additional content concerning the item;

> the server further operable to communicate the rendered user-requested content to the user in the current interactive session to satisfy the user-supplied content request.

Independent Claims 15, 29, and 30 recite certain substantially similar limitations. *Cragun* fails to disclose, teach, or suggest the features and operation specifically recited in independent Claims 1, 15, 29, and 30.

*Cragun* at least fails to disclose, teach, or suggest a server operable to, as recited in Claim 1: (1) "receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content," and (2) "communicate the rendered user-requested content to the user in the current interactive session to satisfy the user-supplied content request." Instead, *Cragun* discloses a system that *automatically* and *without a customer's knowledge* collects data based on a customer's purchase and produces sales promotion coupons *not requested by the customer* based on this collected data. (*See* Abstract; Column 1, lines 6-9; Column 2, lines 17-25; Column 4, lines 3-22) *Cragun* fails to even disclose, teach, or suggest receiving a "content request from a user" as recited in Claim 1. Accordingly, *Cragun* necessarily fails to disclose, teach, or suggest a server operable to, as recited in Claim 1: (1) "receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content," and (2) "communicate the rendered user-requested content to the user in the current interactive session to satisfy the user-supplied content request."

For example, in contrast to a server operable to "receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content" as recited in Claim 1, *Cragun* discloses that "the sales promotion selection system automatically collects purchase transaction data . . . and uses neural networks to select a sales promotion calculated to result in additional purchases." (Column 4, lines 22-27) As another example, *Cragun* discloses that:

> [as] a customer purchases items . . . information concerning the purchase transaction is collected by the customer information devices 14 . . . . The system then uses neural networks to identify items that are missing from a purchase transaction that are members of a purchase class otherwise represented in the purchase transaction. The missing items can then be the subject of a purchase suggestion, an automatically dispensed coupon, or other sales promotion indicated by an output device 17 such as a printer or display terminal.

(Column 4, lines 3-22) As yet another example, in contrast to the server further operable to "communicate the rendered use-requested content to the user in the current interactive session to satisfy the user-supplied content request" as recited in Claim 1, *Cragun* discloses that the output of the system consists merely of sales promotion coupons for items not requested by the customer. (*See* Abstract; Column 1, lines 6-9; Column 2, lines 22-25).

For at least these reasons, *Cragun* fails to disclose, teach, or suggest the limitations recited in Claims 1, 15, 29, and 30. Applicants respectfully request reconsideration and allowance of Claims 1, 15, 29, and 30, together with all claims that depend on Claims 1, 15, 29, and 30.

**The Claims are Allowable under 35 U.S.C. § 103**

The Examiner rejects Claims 6-7, 14, 20-21, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Cragun*. The Examiner also rejects Claims 2-3 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over *Cragun* in view of U.S. Patent 6,266,649 to Linden et al. ("*Linden*"). Applicants respectfully disagree. Neither *Cragun* nor *Linden*, whether considered singly or in combination, discloses, teaches, or suggests the features and operation specifically recited in independent Claims 1 and 15.

For at least the reasons outlined above, *Cragun* fails to disclose, teach, or suggest various aspects of independent Claims 1 and 15. For example, *Cragun* fails to disclose, teach, or suggest a server operable to, as recited in Claim 1: (1) "receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content," and (2) "communicate the rendered user-requested content to the user in the current interactive session to satisfy the user-supplied content request." In fact, *Cragun* specifically teaches away from these limitations. A prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied,* 469 U.S. 851 (1984); M.P.E.P. § 2141.02. As described above, *Cragun* discloses a sales promotion system that *automatically* and *without a customer's knowledge* collects data based on a customer's purchase and produces sales promotion coupons *not requested by the customer* based on this collected data. (*See* Abstract; Column 1, lines 6-9; Column 2, lines 17-25; Column 4, lines 3-22) As discussed above, there appears to be no user interaction with the sales promotion system disclosed in *Cragun*.

Indeed, *Cragun* discourages user interaction with the sales promotion system by asserting that "it would be advantageous to automate the selection process, thereby removing individual skill at the local level from influencing the selection and permitting greater data analysis to take place." (Column 2, lines 17-20)

For at least these reasons, *Cragun* fails to disclose, teach, or suggest the limitations recited in Claims 1 and 15. *Linden* fails to account for the deficiencies of *Cragun*. Accordingly, even if these references could properly be combined, the proposed *Cragun–Linden* combination still would not disclose, teach, or suggest each and every limitation of Claims 1 and 15. Applicants respectfully request reconsideration and allowance of Claims 1 and 15, together with all claims that depend on Claims 1 and 15.

**Conclusion**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

With the filing of thirteen (13) additional dependent claims, an additional filing fee of $234.00 is due. Enclosed is a check in the amount of $234.00 to cover this fee. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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